

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

GILBERT ALVAREZ,

Defendant.

ORDER

21-CR-00181-PMH

PHILIP M. HALPERN, District Judge:

On August 3, 2021, the defendant was sentenced principally to a term of imprisonment of 84 months of imprisonment on Count 1 of the Information and 60 months of imprisonment on Count 2 of the Information to run consecutively to Count 1. (Doc. 24).

On January 22, 2024, a Supplemental Presentence Report was issued, which, *inter alia*, determined that Amendment 821 reduced the Guidelines range applicable to Count 1 in this case from the previously applicable range of 84 to 105 months' imprisonment, to a Guidelines range of 70 to 87 months' imprisonment. (Doc. 26).

On January 24, 2024, the Court granted the defendant's request for reappointment of CJA counsel in connection with the investigation of and, if appropriate, to pursue a motion for a sentence reduction based on Amendment 821 to the Sentencing Guidelines. (Doc. 28).

On May 8, 2024, defense counsel filed a consent motion for a reduction of sentence. (Doc. 29). The parties agree that the defendant is eligible for a sentence reduction under Amendment 821, and that his Guidelines range would now be 70 to 87 months' imprisonment on Count 1, based on an offense level of 25 and a criminal history category of III. The parties further agree that consistent with the Court's comments at the time of the original sentence, and in light of his

post-sentencing conduct, the Court should resentence the defendant to the bottom of the amended Guidelines range.

The Court finds that the defendant is eligible for a sentence reduction and adopts the above calculations as to the defendant's Guidelines range with respect to Count 1.

Having considered the record in this case, the parties' arguments, the relevant Guidelines policy statements, and the factors set forth in 18 U.S.C. § 3553(a), it is

ORDERED that the defendant's term of imprisonment is reduced to 70 months on Count 1 of the Information and 60 months of imprisonment imposed on Count 2 of the Information to run consecutively to the sentence imposed on Count 1. All other components of the sentence remain as originally imposed.<sup>1</sup>

**SO ORDERED.**

Dated: White Plains, New York  
May 9, 2024



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PHILIP M. HALPERN  
United States District Judge

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<sup>1</sup> The consecutive sentence imposed on the Violation of Supervised Release (08-CR-01192) of 24 months is not affected by this Order.